Supreme Court, U.S.
FILED
APR 25 2011
OFFICE OF THE CLERK

(2)

Case No.- 10-973

IN THE
SUPREME COURT OF THE UNITED STATES

WILLIAM SMITH (PRO SE)

Petitioner

V.

ALVIN FRIEDMAN, ET AL SUBSTITUTE TRUSTEE
Respondent

On Petition for writ of Certiorari to The DIRECT COURT OF APPEALS MARYLAND OF P.G. COUNTY 7TH Circuit

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PETITION FOR A REHEARING WRIT OF CERTIORARI

William Smith (Pro se) Petitioner
1001 Saddle Hill Rd
Deland Fl. 32720
ph# 386-734-0476

GROUNDS RULE 44. REHEARING

Petitioner with all due respect, and in good faith, and not for delay. Respectfully exercise rule 44 Rehearing request for petition for a writ of certiorari, on necessary enforcement , on compelling Rights of law

GROUNDS- All Courts legal acts of law, come alive on substantive truth , of facts, for justice for all , does no one wrong or an injustice.!? Under legitimate legislature jurisdictional mandate protection if not violated as law..

And constitutional guaranteed due process of law protection violated . When it is manifestly clear the trial court, violations of the petitioners, due process and equal protection strict scrutiny rights too , clearly exist in the records . and petitioners property is lost to respondants crime by court manifest errs.

And all courts there after , can not correct, or produce any rational legitimate reason for this harmful, illegal differential discrimination treatment err, as a sound matter of law . Which can never, ever , come to rest as justice for all law .!?

(a)- Courts Legal act of constitutional guaranteed law, should injure no one. Can legally due no one wrong. The respondent admission plea must be finalized .The punishment must fit the crime.!?

(b)-Respondents could not, did not, verify (no case standard debt default). Extrinsic Fraud Forclosure as a matter of law cannot be supported.

(c)-Respondent did not meet the standard requirements of notice summons and service, to the peteitioner timely who relied on the standard notice for a fair trial hearing to be timely heard will violate the rights of every party.

(a)- QUESTIONS PRESENTED FOR REVIEW

(1) Weather trial court lack standard jurisdictional, rights, violated defendants statutory mandatory, mandate, legislative rights, to attach its power of authority, on Court manifest err. to exercise its power over this extrinsic fraud admitted foreclosure case. Reversible err.

(2) weather trial court lack standard due process rights , violated defendants (Maryland article 24.due process Rights Protection. And due process amendment #5 constitutional guaranteed protection Rights against extrinsic fraud foreclosure and court manifest err. Right to be heard and timely, defense by impartial, hearing is for constitutional justice.

(3)Weather trial court lack standard due process, and equal protection Rights, violated defendants strict scrutiny Rights to this differential illegal Extrinsic fraud foreclosure, treatment Respondent did not deny. Filed admission defense, petitioner must be acquitted. Appeal Court err unconstitutional.

(4) Weather the standard genuine material facts in Evidence lack support for trial court practice of law , violate the defendant Rights, safety and protection of the evidence Rights, petitioner made to pay over, and over, for ever for a crime court know he did not commit with respondent admission . Reversible err.

(5) Whether the circuit court of Maryland lack of legal standard (pro se) petitioner protection, by its ignorance of the law, can standby, and watch its err destroy the innocent petitioner.and family life.

(b)- LIST OF PARTIES

[ ] All parties do not appeal in the caption of the case on the cover page. Alist of all parties to the proceeding in the court who's judgment is the subject of this petition is as follows.

Agent #1 Case CAE-97016794 (Extrinsic Fraud jurisdictional) Respondent substitute trustee Supreme Court bar Kenneth J. Mac Fadyen, P.A. Totman Building Suite 400, 210 E. Redwood Street Baltimore MD. 21202–PH# (410)-685-1763

Agent #2 Case CAE-97016794 (Extrinsic Fraud jurisdictional) Constitutional Direct appeal to Respondent Alvin Friedman, Substitute trustee-- Express Waiver Admission Defense 8-13-07 Case # (07-11). Lack jurisdictional authority, respondents Attorney John R. Fischel Miles & Stockbridge, P.D. #10 Light street Baltimore MD.21202— PH# (410)-727-6464

(e)JURISDICTION ON WRIT OF CERTIORARI

[] For case CAE-97-016794 Extrinsic Fraud, Maryland Direct Court of appeals (Court of Last Resort on lack of Jurisdictional Mandate Rights .

[i] Unreported opinion of the Court of Special Appeals P.G. County Maryland 7th Circuit order No. 906 Sept Term 2005.Standard authority Maryland as per rule 8-114 unreported opinion.

Appendix (1)

[ii] Court of appeals.-- Petition docket No. 142 (Sept term 2010) Smith Vs. Friedman. Upon Consideration of the petition for a Writ of Certiorari in the Court of Special Appeals filed in the above entitle case, it is. ORDERED., By the Court of Appeals of Maryland, That the petition be, and it is hereby, denied as there has been no showing that review by certiorari is desirable and in the public's interest. /s/ Robert M Bell Chief Judge date. July 23rd, 2010

Appendix (2)

[iii] A Timely petition for rehearing reconsideration, was therefore denied on the following date October 22nd 2010. And a copy of the order denying reconsideration appears as appendix (b) the jurisdiction of this court is invoked under 28 U.S.C. 1257(a).

Appendix (3)

[iv] Supreme Court case number 10-973. The court today entered the following order in the above-entitled case, the petition for a writ of certiorari is denied.--/s/ William k.. Suter Clerk

STATUTORY PROVISIONS

[IV]- Maryland State Statutory provisions legal jurisdictional Mandatory Mandate as required by law. State and Federal. Review Granted constitutional guaranteed due process. State of Maryland Article 24. Federal Constitutional guaranteed Amendment #5.– State and Federal Review Granted Constitutional Due process and equal protection strict scrutiny Amendment #14.

(f) CONSTITUTIONAL GUARANTEED LAW.

(f)-Constitutional Provisions- Statutory Law
State Article 24 Due process Constitutional guaranteed. And federal Constitutional Guaranteed due process Amendment #5 Life, Liberty and Property the right of every man.

[ ] Maryland State rely on Direct Attachment to Federal Constitutional Guaranteed Per the Supreme Court as Direct Authority (Case Law)

(g) CONCISE STATEMENT OF THE CASE.!!!

-Respondent case CAE -97-016794, in the Circuit Court of Maryland, CONFIRMED, and is corroborated by U.S. Supreme Courts Records. Respondent Filed of his own free will, an express waiver of admission defense.

The respondent extrinsic fraud foreclosure crime, Has its burden of proof from – 1997 – to date is still without a court legitimate judgment of justice, for all court errs .!?

And the Respondent is free. And the innocent Petitioner is, by illegal ex parte summary judgment guilty, by court err. For honoring the law, and telling the truth.

And to date, all Court finding this case , impossible to remedy, which is contrary to good law.

NOTE- All Courts denying this case, is a ruling for the Extrinsic Fraud Foreclosure, admission of guilty , plea by the respondent, and the respondent go free

***NOTE- The respondent admission defense, request the court show leniency. The court denying the petitioners legal jurisdictional mandate rights, protection. And constitutional guaranteed rights protection, fifth and fourteenth amendment, strict scrutiny and his hard earned property due process rights as well.**

NOTE- ALL The court action , denying justice to date, (is exoneration.) The removal of the burden of the charge, responsibility and or duty, when the law compels, the punishment must fit the respondent crime. On no legitimate court judgment, the respondent walks away free.

LAW Parties (people) who respect and honor the

law, must be protected by the law. Parties (People, Citizen) who do not respect, and or honor the law must be punished, if found guilty by trial or admission of guilt in a fair

The Supreme Court records is clear , Bank of America, express waiver of admission Plea,. To Intrinsic Fraud foreclosure case CAL 99-15740, was never ever, in all these years , finalize by any legitimate Court judgment. NOTE- Circuit Court of Maryland, court of appeals err looses this case file, and the bank go free. Where is the justice here.!? The Bank admitted, it did not have a legal case , The bank Could not verify any default debt. The Court by law had no legal case, as a matter of legitimate law.!?

NOTE- Constitutional Guaranteed sound law is clear . If the Respondent / (Plaintiff) does not, did not, prove its case the petitioner (defendant) must be acquitted . Must go free . Get his house back, and be made whole, of all injuries, damages, and penalties for this crime. It is so sad The court, to date has not agreed, with petitioners rights, law, remedy , justice speaking as it clearly exist , on the evidence , with one voice in and on the records , to this end. .

(c)- NOTE- The petitioner has been knowingly punish, all these years . By the respondent evil malice crime and unduly by the courts err injustice . Punish from 1997 to date . Which is illegal , Contrary to good law . For a malice unjustified crime that the bank and respondent, could not produce a legal default debt .

But CLEARLY chose of their own free will to punish the innocent petitioner, as a matter contrary to law to date, Is unconstitutional reversible err.!? The

Punishment must fit this secret crime.!?

Supreme Court necessary certiorari is requested compensation,, MAXIM- Equity should follow the law , if justice is to be preserved as a matter of law.!

Petitioner pray the U.S. Supreme Court will grant certiorari to resolve this respondent express waiver of admission defense and restore the petitioners family life . Under legitimate legislature statutory law, the living voice of the people. As guaranteed by the Constitutional protection of the petitioners rights as a matter of law.

Respondent must be made to pay for all damages to the Petitioner Rights, the peoples rights, the rights of the court of 1.5 million dollars, and all costs, and all expences the court may deem just.!?

4-25-11

RESPECTFULLY SUBMITTED

William Smith (Pro Se) Petitioner 1001 saddle hill rd de land fl .32720 - Ph# 386-734-0476

(h)- DIRECT AND CONCISE ARGUMENT

(A)-The innocent petitioner, is legally without blame for any of the bank and respondents evil crime.

(1)- Petitioner, born free , under the freedom of constitutional guaranteed rights protection , and respect of the law of the land authority , And as Millions of others, is willing to die for that right to be free , to chose and defend my home., and home land.

(2) The American Publics citizen home, is by law, his Safest refuge protection , I am requesting this high court honor this petitioners rights and protection. And legal claim , to be made whole, for complete justice for all. Trial court was not legally correct

(3) Petitioner request the Great, High Court respect, protect, and preserve the petitioners , hard earn constitutional Rights. As a (pro se) Defendant, IN MY RIGHTS. ., I Did NO, ONE HARM or INJURY , in defending these rights . to this end..

(4) –NOTE—Bank of America, and its attorney, Clearly knew They had no legal default, foreclosure Case, and still took the time, to have the court by err, take my home illegally , To go completely out of there way, to scam the court , public, and make this (pro se) defendant look guilty, and remain guilty to this End. For all the public to see and read forever,. IF this high court, can not find it necessary , compelling, to correct and finalize this evil admission crime FOREVER, ON the truth , The law is the Law no one is above the law.

(5) This Respondent illegal malice crime . violated petitioners statutory, constitutional guaranteed Rights.

Facsimile/Signature/Exact Copy
Unreported. In the court of special appeals of Maryland
No. 906 Sep Term, 2005
William Smith V. Alvin Friedman ET.AL. Substitute Trustees
Murphy, C.J.,-Getty, James S. (Ret, Specially assigned), Rodowsky, Lawrence F.-(Ret, Specially assigned),-- JJ.—Opinion by Getty, J.—filed: April 28th, 2006—CAE:-97-16794

Compounding the absent of an Appealable issues is appellant's in ability to st This matter originated with a foreclosure sail filed in 1997 by the Substitute trustees in their capacity as foreclosure counsel to Bank of America. The property, being foreclosed for default in payments on a promissory note, was the residence of William Smith, appellant, who resided in prince George's county.

The contretemps of this foreclosure action are that, after four appeals, all denied adversely to appellant, neither the Supreme Court of the United States, the court of appeals, the Court of special appeals, nor the Circuit Court of prince Georges County can dissuade appellant from continuing this futile efforts to resuscitate his claims of fraud, mistake or irregularity in the foreclosure proceeding.

ate clearly and concisely his response to the ruling he has appealed into prior unreported proceedings before this court, similar problems arose. In William Smith V. Bank America Mortgage, FSB, No.1832,September Term 1999, this court stated: "Smith has appealed to

this court from the child's court's decision. His arguments on appeal or for the most part, unintelligible."

In William Smith V. Bank of America F.S.B., No.1351 Sep term ,2002 commenting on appellant's "Unfortunate" decision to represent his self, this court stated: "ignorance of procedure can prove Lethal to this case for a novice such as Smith in Smith's case, it has foreclosed his opportunity to attempt to prove that the sale was the result of fraud.! Unfortunately, Appellant has not excepted the court's advice.

It is of no consequence, how ever, that the appellant is representing himself because we require that all parties comply with the rule appellate procedure

The procedural evidentiary and appellate rules apply alike to parties and their attorney's. No different standards apply when parties appeals pro se.—Tretick V.Layman, 95 Md. App.62,86 (1993).

THIS CASE

A Foreclosure action was filed by the substitute trustees end 1997, and a foreclosure sale was conducted on July-27-1998 the bank purchased the property for $110,835.00. the sale was ratified of Nov-9-1998 and no exceptions was filed.

The matter was referred to a court auditor, who reported on April 15-1999 that the Nets proceeds for the sale resulted in a deficiency of $1,158.34. appellate filed and exceptions to the auditor's report and, prior to a hearing on its exceptions, on July-21-1999, he filed suite against the bank, alleging that Bank Employees fraudulently altered his check.He did no

seek to void the foreclosure, but he request damages in the amount of $1,500,00.

Appellant's Exceptions to the auditors was over ruled by the circuit court in Sept.99 following the affirmance of the auditor's report, appellant filed his first appeal to this court, not with standing that the foreclosure was then and enrolled judgment. He alleged in his appeal that the foreclosure sale was contained by fraud, deception, and irregularity. This court held that the appellant failed to present any creditable evidence to a trial court of fraud, mistake or irregularity, as contemplated by the rule 21-535 that would warrant vacating the enrolled judgment ratifying the foreclosure sale of appellant's house.

Undaunted by this court's denial of his motion to revise the judgment of the trial court, appellant filed a petition for writ of certiorari, which the court of appeals denied on or about June 25th, 2001 appellate filed a petition for writ of certiorari to the Supreme Court of the United States.

In addition to this actions filed against the substitute trustee appellant filed and action against Bank America and Attempted to raise the same issue that was raise in the foreclosure case against the same party. The complaint was dismissed by the trial court with prejudice in Aug.25th -2002. On Aug 19th-2002 another appeal was filed. William Smith V. Bank America Mortgage F.S.B. No.1351, Sep term 2002. In an unreported filed June 24-2003 this court affirm the judgment in favor of the bank, based upon the doctrine of Res Judicata.

Again, appellant sought review by the court of Appeals and by the Supreme Court, both petitions were denied. In September-2004 and on January 3rd 2005, April 13th 2005, and May 25th 2005 appellate motion alleging "illegal jurisdiction" which resulted in the trial court (platt, J.) Stating the appellant's motion was with out merit and has previously been denied by the court on May 16th 2005. Thus, appellant ignored May 16th denial of his motion by Judge Platt and refiled the same motion nine days later.

Appellant's most recent appeal, date, June 27th 2005, we presume is in response to Judge Platt denial of the appellant motion questioning the court's jurisdiction, We note that, in appellants motion filed in the Supreme Court against the substitutes trustees and against Bank America, the respondents in each case filed a notice with the court stating that "I do not intend to file a response to this petition for a writ of certiorari unless one is requested by the court." Despite the fact that both petitions were denied, appellant construes the respondent's electing not to file a reply as an admission of guilt in the allegedly unlawful foreclosure proceedings.

For the final time, we instruct appellate that the foreclosure proceeding had been upheld by ever court from the Circuit Court of Prince George's County through the Supreme of the United States. Any attempt by appellant to continue filed frivolous motions or appellants relating to foreclosure proceed will not warrant a response beyond denied "denied"

Further consideration for this case will be a waste of judicial resources and any added expensive to the appellant neither is justifiable.

Appeal Dismissal; Costs Will be Paid by appellant

Appendix #1 appear from this dates events after

IN THE COURT OF APPEALS OF MARYLAND
PETITION DOCKET NO. 142 Sept Term, 2010 (No. 906, Sept term, 2005 Court of Special Appeals

William Smith Petitioner V. Alvin Friedman, et,al., Substitute Trustee

ORDER

Upon Consideration of the Petition for a Writ of Certiorari to the Court of Special Appeals filed in the above entitled, case it is ORDERED, By the Court of Appeals of Maryland, that the petition be, and it is hereby , denied as there has been no showing that review by certiorari is desirable and in the Public's Interest.

/s/ Robert M. Bell Chief Judge Date July 23rd 2010

APPENDIX (2)

IN THE COURT OF APPEALS MARYLAND
PETITION DOCKET NO. 142 Sept term 2010 (No. 906, Sept. Term 2005 court of special appeals)

William Smith petitioner. V. Alvin Friedman, et al Substitute Trustee

ORDER

THE Court having considered the motion for reconsideration filed in the above entitled case , it is

Ordered by the court of appeals of Maryland that the motion for reconsideration be; and it is here by, denied.

/s/ Robert M. Bell – Chief judge– Dated Oct 22nd 2010

APPENDIX (3)

ORDER

(UNITED STATES SUPREME COURT) The court today (April 4th 2011) entered the following order to end the above- entitled case.? The Petition for a writ of certiorari is denied. SINCERELY /S/ William K. Suter, Clerk.